S.B. CIVIL WRIT PETITION No.6990/2002
PRAKASH MOHAN GUPTA V/S THE DISTRICT & SESSIONS JUDGE, BHARATPUR & ANOTHER

8.1.2007

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri R.R. Singh for the petitioner.
Shri B.S. Chhaba, Dy. G.A.

In this petition, the petitioner has challenged the order dated 15.6.2002 whereby the security amount of Rs.1600/- deposited by him was forfeited and order dated 5.9.2002 whereby he was required to make good losses in the sum of Rs.7,477/- suffered by the respondents in procuring the supply from other contractor and was even black listed. Learned counsel for the petitioner has argued that this order has been passed without providing him opportunity of hearing. It was submitted that the petitioner had submitted tender for printing work only. He therefore expressed his inabilility to supply the

papers. It is submitted that the paper required in item No.2 of the order dated 11.1.2002 was not available as it was not required for the specific work of printing awarded to him. The writ petition has been contested by the respondents who in their reply have categorically stated that the petitioner had submitted tender for supply of papers-rim in the size of 17x27 cm. The petitioner in spite of being given sufficient opportunity failed to supply the required quantity paper. Apart from it, he was given written reminder on 31.1.02 and thereafter final warning was issued to him on 15.6.02. It cannot be said that opportunity of hearing was not given to the petitioner prior to passing of the impugned order.

I have considered the rival submissions made by the parties and perused the records.

I find that the petitioner had submitted the tender form in response to notice inviting tender for printing materials. Reminders were issued to him both oral and written to ensure the promised supplies. It was thereupon that the written order was passed to forfeit the amount of security as also to make the good losses and black list him. The petitioner has not been able to show that he has deposited the amount of loss caused to the respondent amounting to Rs.7,477/- in procuring the desired supply from other contractor. In facts and circumstances of the case, no case is made out for interference by this court. The writ petition being devoid of merit is dismissed with no order as to cost.

(Mohammad Rafiq),J.

Chauhan/